

SENATE BILL No. 235

DIGEST OF INTRODUCED BILL

Citations Affected: IC 11-12; IC 11-13-2.

Synopsis: Mental health pilot project. Requires community corrections programs to use evidence based services, programs, and practices that reduce the risk for recidivism. Permits the community corrections board to coordinate or operate certain programs. Establishes standards for the award of certain grants by the department of correction, and requires the department of correction to consult with the judicial conference and the division of mental health and addiction before awarding grants. Defines "mental health and addiction forensic treatment services", establishes eligibility and treatment criteria, and creates the mental health and addiction forensic treatment services account to fund mental health and addiction forensic treatment services. Removes the requirement that the budget committee approve the distribution of funds appropriated to the judicial conference to assist court probation departments, specifies the purposes for which these funds may be used, and requires the judicial conference to develop a plan to establish application procedures and funding requirements for courts seeking assistance. Requires the judicial conference to consult with the department of correction and the division of mental health and addiction before awarding financial assistance, and requires any person providing mental health and substance use treatment services be certified by the division of mental health and addiction. Establishes a three year pilot project in Marion County to reduce recidivism by providing mental health and forensic treatment services. (The introduced version of this bill was prepared by the criminal law and sentencing policy study committee.)

Effective: July 1, 2014.

Young R Michael

January 9, 2014, read first time and referred to Committee on Corrections & Criminal Law.



Second Regular Session 118th General Assembly (2014)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

SENATE BILL No. 235

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 11-12-1-2.5 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2.5. (a) The community
3 corrections programs described in section 2 of this chapter ~~may include~~
4 ~~the following:~~
5 (1) Residential or work release programs.
6 (2) House arrest, home detention, and electronic monitoring
7 programs.
8 (3) Community restitution or service programs.
9 (4) Victim-offender reconciliation programs.
10 (5) Jail services programs.
11 (6) Jail work crews.
12 (7) Community work crews.
13 (8) Juvenile detention alternative programs.
14 (9) Day reporting programs.
15 (10) Faith based programs.
16 (11) Other community corrections programs approved by the



1 ~~department.~~
 2 **shall use evidence based services, programs, and practices that**
 3 **reduce the risk for recidivism among persons who participate in**
 4 **the community corrections programs.**

5 (b) The community corrections board may also coordinate ~~and~~ or
 6 operate:

- 7 (1) educational;
- 8 (2) mental health;
- 9 (3) drug or alcohol abuse counseling; **and**
- 10 (4) housing;

11 **as a part of any of these programs or programs. In addition, the**
 12 **board may provide** supervision services for persons described in
 13 section 2 of this chapter.

14 SECTION 2. IC 11-12-2-1, AS AMENDED BY P.L.105-2010,
 15 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2014]: Sec. 1. (a) For the purpose of encouraging counties to
 17 develop a coordinated local corrections-criminal justice system and
 18 providing effective alternatives to imprisonment at the state level, the
 19 commissioner shall, out of funds appropriated for such purposes, make
 20 grants to counties for the establishment and operation of community
 21 corrections programs. Appropriations intended for this purpose may not
 22 be used by the department for any other purpose. Money appropriated
 23 to the department of correction for the purpose of making grants under
 24 this chapter and any financial aid payments suspended under section 6
 25 of this chapter do not revert to the state general fund at the close of any
 26 fiscal year, but remain available to the department of correction for its
 27 use in making grants under this chapter.

28 (b) The commissioner shall give priority in issuing community
 29 corrections grants to programs that provide alternative sentencing
 30 projects for persons with mental illness, addictive disorders, mental
 31 retardation, and developmental disabilities.

32 (c) **The commissioner shall award financial assistance based on**
 33 **the proposed implementation of evidence based practices or the**
 34 **proposed coordination of services with other community**
 35 **supervision agencies operating in the same county.**

36 (d) **Before providing financial assistance under this chapter, the**
 37 **commissioner shall consult with the judicial conference of Indiana**
 38 **and the division of mental health and addiction:**

39 (1) **for the purpose of more effectively addressing the need**
 40 **for:**

- 41 (A) **substance abuse treatment;**
- 42 (B) **mental health services; and**



- 1 (C) other services for offenders placed on community
- 2 supervision; and
- 3 (2) to avoid duplication of services.
- 4 (e) Mental health and substance abuse forensic treatment
- 5 services shall be provided by grants under this section. Evidence
- 6 based treatment and recovery wraparound support services shall
- 7 be provided to individuals at risk of entering the criminal justice
- 8 system. Services provided under this section must include:
- 9 (1) mental health and substance abuse treatment;
- 10 (2) vocational services;
- 11 (3) housing assistance;
- 12 (4) community support services;
- 13 (5) care coordination; and
- 14 (6) transportation assistance.
- 15 (f) Services provided under this section shall be administered or
- 16 coordinated by a provider certified by the division of mental health
- 17 and addiction to provide mental health or substance use treatment.
- 18 (g) The commissioner may award financial assistance under this
- 19 chapter to the Marion County recidivism reduction pilot project
- 20 established under IC 11-12-3.8-5. This subsection expires June 30,
- 21 2017.
- 22 SECTION 3. IC 11-12-3.8 IS ADDED TO THE INDIANA CODE
- 23 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 24 JULY 1, 2014]:
- 25 Chapter 3.8. Mental Health and Addiction Forensic Treatment
- 26 Services
- 27 Sec. 1. As used in this chapter, "mental health and addiction
- 28 forensic treatment services" means evidence based treatment and
- 29 recovery wraparound support services provided to individuals who
- 30 are at risk of entering the criminal justice system. The term
- 31 includes:
- 32 (1) mental health and substance abuse treatment;
- 33 (2) vocational services;
- 34 (3) housing assistance;
- 35 (4) community support services;
- 36 (5) care coordination; and
- 37 (6) transportation assistance.
- 38 Sec. 2. An individual is eligible for mental health and addiction
- 39 forensic treatment services if the individual is:
- 40 (1) a member of a household with an annual income that does
- 41 not exceed two hundred percent (200%) of the federal income
- 42 poverty level;



- (2) a resident of Indiana;
- (3) at least eighteen (18) years of age; and
- (4) at risk of entering the criminal justice system.

Sec. 3. Mental health and addiction forensic treatment services may be administered or coordinated only by a provider certified by the division of mental health and addiction.

Sec. 4. (a) As used in this section, "account" refers to the mental health and addiction forensic treatment services account established in subsection (b).

(b) The mental health and addiction forensic treatment services account is established within the state general fund for the purpose of providing grants or vouchers for the provision of mental health and addiction forensic treatment services. The account shall be administered by the division of mental health and addiction. Money in the account shall be used to fund grants and vouchers under this chapter.

(c) The account consists of:

- (1) appropriations made by the general assembly;**
- (2) grants; and**
- (3) gifts and bequests.**

(d) The expenses of administering the account shall be paid from money in the account.

(e) The treasurer of state shall invest the money in the account not currently needed to meet the obligations of the account in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the account.

(f) Money in the account is continually appropriated to carry out the purposes of this chapter.

(g) Money in the account at the end of a state fiscal year does not revert to the state general fund.

Sec. 5. (a) The Marion superior court shall, in consultation with the department of correction, establish a three (3) year pilot project to provide mental health and forensic treatment services to reduce the risk of recidivism among persons participating in the program.

(b) Except as provided in subsection (c), the pilot project must provide evidence based services for persons participating in the following programs:

- (1) A diversion program.**
- (2) An alternate misdemeanor sentencing program.**
- (3) Probation.**
- (4) Parole.**



(5) Community corrections.

(6) Home detention.

(7) A reentry program.

(8) Any other program involving community supervision approved by the court and the department of correction.

(c) The following persons may not participate in the pilot project:

(1) A sex or violent offender (as defined in IC 11-8-8-5).

(2) A person convicted of a felony described in:

(A) IC 35-42-1;

(B) IC 35-42-3.5; or

(C) IC 35-42-4.

(d) Mental health and addiction forensic treatment services provided as part of the pilot project may be administered or coordinated only by a provider certified by the division of mental health and addiction with expertise in providing evidence based forensic treatment services.

(e) The Marion superior court shall provide a report to the legislative council before October 1 of each year, beginning on October 1, 2015. The report must include the following data:

(1) Recidivism rates for persons in the program.

(2) The cost of the program.

(3) Cost savings of the program.

(4) Opportunities for replication.

(5) Other information requested by the legislative council.

The report must be in an electronic format under IC 5-14-6.

(f) This section expires June 30, 2017.

SECTION 4. IC 11-13-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) There is established a program of state financial aid to be used for the support of court probation services. The financial aid program shall be administered by the judicial conference of Indiana. Funds appropriated to the conference for purposes of this chapter shall be distributed by the conference ~~upon approval of the state budget committee~~ to make grants to Indiana probation departments for the purposes outlined in section 2 of this chapter.

(b) Appropriations intended for this purpose may not be used by the judicial conference of Indiana for any other purpose. The judicial conference of Indiana may expend up to three percent (3%) of the money appropriated under this chapter to provide technical assistance, consultation, and training to counties and to monitor and evaluate the operation of the program. Money



1 **appropriated to the judicial conference of Indiana for the purpose**
 2 **of making grants under this chapter does not revert to the state**
 3 **general fund at the close of any fiscal year, but remains available**
 4 **to the judicial conference of Indiana for its use in making grants**
 5 **under this chapter.**

6 SECTION 5. IC 11-13-2-2 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. Funds appropriated
 8 under this program may be made available to any court administering
 9 probation in order to finance expenditures incurred for **either any** of the
 10 following purposes:

11 (1) Salaries for existing or new probation officer positions.

12 (2) Maintenance or establishment of administrative support
 13 services to probation officers.

14 **(3) Development and implementation of:**

15 **(A) incentives and sanctions;**

16 **(B) policies;**

17 **(C) programs; and**

18 **(D) services;**

19 **to address compliance with community supervision following**
 20 **the schedule adopted by the judicial conference of Indiana**
 21 **under IC 11-13-1-8.**

22 **(4) Development and use of evidence based services,**
 23 **programs, and practices that reduce probationers' risk for**
 24 **recidivism.**

25 **(5) Establishment of a coordinated system of community**
 26 **supervision to improve the efficiency and coordination of**
 27 **offender services within a county.**

28 SECTION 6. IC 11-13-2-3 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) ~~State financial~~
 30 ~~aid for support of probation services may be made only to courts~~
 31 ~~meeting the minimum standards adopted by the judicial conference of~~
 32 ~~Indiana and may not exceed fifty percent (50%) of the cost of the~~
 33 ~~positions or services being financed.~~ Any court having probation
 34 jurisdiction may apply for financial assistance under this chapter by
 35 submitting an application to the **judicial conference of Indiana** for
 36 review. The application shall be accompanied by detailed plans
 37 regarding the use of the financial aid.

38 **(b) The judicial conference of Indiana shall develop a plan for**
 39 **the application process and the funding requirements for courts**
 40 **seeking financial aid.** The conference may recommend changes or
 41 modifications necessary to effect compliance with the minimum
 42 standards. The **judicial** conference and the state budget committee



1 must approve all financial aid granted under this chapter. ~~Any court~~
2 ~~receiving financial assistance under this chapter may be declared~~
3 ~~ineligible to receive that assistance if the court fails to maintain the~~
4 ~~minimum standards.~~

5 (c) Two (2) or more courts may jointly apply for financial assistance
6 under this chapter.

7 **(d) The judicial conference of Indiana shall award financial**
8 **assistance based on the proposed implementation of evidence based**
9 **practices or the proposed coordination of services with other**
10 **community supervision agencies operating in the same county.**

11 **(e) Before providing financial assistance under this chapter, the**
12 **judicial conference of Indiana shall consult with the department of**
13 **correction and the division of mental health and addiction:**

14 **(1) for the purpose of more effectively addressing the need**
15 **for:**

16 **(A) substance abuse treatment;**

17 **(B) mental health services; and**

18 **(C) other services for offenders placed on community**
19 **supervision; and**

20 **(2) to avoid duplication of services.**

21 **(f) Mental health and substance use treatment services provided**
22 **by grants under this section shall be provided by a provider**
23 **certified by the division of mental health and addiction to provide**
24 **mental health or substance use treatment.**

